

Tab B

TITLE 11 - ZONING

SUBTITLE B DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES

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Ballpark: The building and use authorized by Zoning Commission Order No. 06-22.

Basement: That portion of a story partly below grade, the ceiling of which is four feet (4 ft.) or more above the adjacent finished grade.

Bedroom: A habitable room with immediate access to an exterior window and a closet that is designated as a "bedroom" or "sleeping room" on construction plans submitted in an application for a building permit.

Bicycle Parking: See Parking Space, Bicycle.

Blockface: The entire front lot line of all building façades of a square between two (2) streets.

Board of Zoning Adjustment (Board): An independent quasi-judicial body empowered to grant relief from the strict application of the Zoning Regulations (variances), approve certain uses of land (special exceptions), and hear zoning appeals.

Boarding House: A building or part thereof where, for compensation, lodging and meals are provided to three (3) or more guests on a monthly or longer basis; a boarding house shall be considered a residential structure.

Boathouse: A building or structure designed and used to store and provide water access for non-motorized watercraft, including racing shells, kayaks, canoes, sailboats, rowboats, and similar boats.

Building: A structure requiring permanent placement on the ground that has one (1) or more floors and a roof supported by columns or walls. When separated from the ground up or from the lowest floor up, each portion shall be deemed a separate building, except as provided elsewhere in this title. The existence of communication between separate portions of a structure below the main floor shall not be construed as making the structure one (1) building.

Building, Accessory: A subordinate building located on the same lot as the principal building, the use of which is incidental to the use of the principal building.

Building Area: The maximum horizontal projected area of a principal building and its accessory buildings. Except for outside balconies, this term shall not include any projections into open spaces authorized elsewhere in this title, nor shall it include portions of a building that do not extend above the level of the main floor of the main building, if placed so as not to obstruct light and ventilation of the main building or of buildings on adjoining property.

Building area shall not include: Building components or appurtenances dedicated

- (b) Community - A District of Columbia Public Library housed in a portable structure that may include a small staff and minimal space for activities; or
- (c) Kiosk - A District of Columbia Public Library housed in a portable structure with no space for activities.

Public Recreation and Community Center: An area, place, structure, or other facility under the jurisdiction of a public agency that is used for community recreation activities. A public recreation or community center may provide a range of health and wellness, cultural, and arts and crafts activities, and educational classes and services. The center may include, but not be limited to, auditorium, multi-purpose room, gymnasium, meeting space, open space, playground, playing court, playing field, and swimming pool. The center shall not include examination rooms, treatment rooms, or other facilities for regular use by members of the medical or dental professions, but may include a first aid room. Such centers may have pantry-type kitchens with limited food storage and preparation areas, but shall not have kitchen facilities that are of the size customarily used to serve meals for large numbers of persons on a regular basis.

Recreational Building or Use: Any establishment providing facilities for recreation; including, but not limited to, picnicking, boating, fishing, bicycling, tennis, and activities incidental to the foregoing, but not including golf driving ranges or any mechanical amusement device.

Regional Command Center: A Police Department Local Facility used for community outreach or administrative control and managerial services for operations, for a specific geographic area that encompasses two (2) or more districts or commands of the Metropolitan Police Department.

Restaurant: A place of business that does not meet the definition of a "fast food establishment" or "prepared food shop," where food, drinks or refreshments are prepared on the premises and sold to customers primarily for consumption on the premises. This term shall include, but not be limited to, an establishment known as a café, lunch counter, cafeteria, or other similar business, but shall not include a fast food restaurant. In a restaurant, any facilities for carry out shall be clearly subordinate to the principal use of providing prepared foods for consumption on the premises. A restaurant may include ancillary carry out sales, provided that there is no designated carry out counter or window, no drive through facility, and the carry out service is not an advertised element of the business.

Retaining Wall: A vertical, self-supporting structure constructed of concrete, durable wood, masonry or other materials, designed to resist the lateral displacement of soil or other materials. The term shall include concrete walls, crib and bin walls, reinforced or mechanically stabilized earth systems, anchored walls, soil nail walls, multi-tiered systems, boulder walls, or other retaining structures.

Rooming Unit: One (1) or more habitable rooms forming a single, habitable unit used or intended to be used for living or sleeping purposes; but not for the preparation or eating of meals.

School, Public: A building or use within a building operated or chartered by the District of Columbia Board of Education or the District of Columbia Public Charter School Board for educational purposes and such other community uses as deemed necessary and desirable.

The term shall include all educational functions, the building or structure required to house them, and all accessory uses normally incidental to a public school, including but not restricted to athletic fields, field houses, gymnasiums, parking lots, greenhouses, playgrounds, stadiums, and open space.

The term also shall include a community-centered school campus; provided, that no part of the building or structure shall be used to house the administrative offices or maintenance and repair shop intended or used for the entire school system, or as a technical or vocational school.

Service/Delivery Loading Space: An off-street space provided for motor vehicles that are twenty feet (20 ft.) in length or less, and that are making deliveries and/or providing a maintenance service. This space shall not be considered a parking space or a loading berth.

Setback, Front: A distance required between a building and a street lot line, and measured from the street lot line inward to the lot.

Sexually-Oriented Business Establishment: An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals, films, materials, and articles, or an establishment that presents as a substantial or significant portion of its activity, live performances, films, or other materials, that are distinguished or characterized by their emphasis on matters depicting, describing, or related to specified sexual activities and specified anatomical areas.

These establishments may include, but are not limited to, bookstores, newsstands, theaters, and amusement enterprises. If an establishment is a sexually-oriented business establishment as defined here, it shall not be deemed to constitute any other use permitted under the authority of this title.

Specified Anatomical Areas: Parts of the human body as follows:

- (a) Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and

- 323.5 Awnings serving a window, porch, or door may project into a required yard or open court for a distance not to exceed forty inches (40 in.).
- 323.6 An open or lattice-enclosed fire balcony or fire escape may project into a required yard or an open court for a distance not to exceed four feet (4 ft.).
- 323.7 A chimney, smokestack, or flue may project into any required rear yard, provided the horizontal section of the projection does not exceed five square feet (5 sq. ft.).
- 323.8 A chimney, smokestack, or flue may project into any required side yard for a distance not to exceed two feet (2 ft.).
- 323.9 A self-contained air conditioner may project into any required yard or court a distance not to exceed two feet (2 ft.).

324 STRUCTURES IN REQUIRED OPEN SPACES

- 324.1 Every part of a yard required under this title shall be open and unobstructed to the sky from the ground up except as follows:
- (a) A structure, not including a building no part of which is more than four feet (4 ft.) above the grade at any point, may occupy any yard required under the provisions of this title. Any railing required by the D.C. Construction Code Supplements, Title 12 DCMR, shall not be calculated in the measurement of this height;
 - (b) A fence or retaining wall constructed in accordance with the Construction Code may occupy any yard required under the provisions of this title; and
 - (c) Stairs leading to the ground from a door located on the story in which the principal entrance of a building is located may occupy any yard required under provisions of this title. The stairs shall include any railing required by the provisions of the Construction Code.
- 324.2 Projecting elements or structures shall not interfere with any driveway leading to a required parking space.

325 TRANSITIONS

- 325.1 Transition regulations control the physical relationship of buildings and lot improvements, in designated zones, to reduce potential impacts on existing neighbors in adjacent zones.
- 325.2 Potential impacts intended to be avoided by transition regulations include, but are not limited to:
- (a) Dramatic contrasts in height between new buildings, within subject zones;

TITLE 11 – ZONING

SUBTITLE C GENERAL RULES

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CHAPTER 14. RETAINING WALLS

1400 INTRODUCTION

1400.1 The provisions of this chapter shall apply to the construction of a retaining wall in any R or RF zone.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

1401 GENERAL PROVISIONS

1401.1 The height of a retaining wall shall be determined as follows:

- (a) The height of a retaining wall is the vertical distance measured from the natural grade at the base of the wall to the top of the wall;
- (b) When the height of a retaining wall varies, the height shall be measured at the highest point of the wall, from the natural grade at the base of the wall at that point; and
- (c) Berms or other similar forms of intermittent terrain elevation shall not be included in measuring retaining wall height.

1401.2 Subject to the height limitations of Subtitle C § 1401.3 through 1401.6, the maximum height of a retaining wall shall be six feet (6 ft.).

1401.3 A retaining wall shall not exceed four feet (4 ft.) in height in the following locations, unless a lower height is required by Subtitle C § 1401.5 and 1401.6:

- (a) Along a street frontage or property line;
- (b) Within any required side setback;
- (c) In the R-1-A, R-1-B, R-6, R-7, R-8, R-9, R-11, R-12, R-14, R-15, R-16, R-19, and R-21 zones, within twenty-five feet (25 ft.) of the rear property line, as measured from the rear property line inward; and
- (d) In the R-2, R-3, R-10, R-13, R-17, R-20, and RF zones, within twenty feet (20 ft.) of the rear property line, as measured from the rear property line inward.

1401.4 A retaining wall located along a street frontage on a block with adjacent existing retaining walls shall not be greater in height than the tallest adjacent existing retaining walls up to the maximum height of four feet (4 ft.).

1401.5 A retaining wall located on any area between a property line and a building line shall not exceed a maximum height of forty-two inches (42 in.).

1401.6 A retaining wall abutting an improved alley in the R-3 or RF zones shall not exceed a maximum height of twelve feet (12 ft.).

1401.7 Retaining walls may be tiered or terraced provided that the width of the area between each retaining wall is at least twice the height of the lower retaining wall. The area between each wall shall be pervious and may not be paved or otherwise covered with impervious materials.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06D published at 63 DCR 10620 (August 19, 2016).

1402 SPECIAL EXCEPTION FROM RETAINING WALL REQUIREMENTS

1402.1 Retaining walls not meeting the requirements of this section may be approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X. In addition to meeting the general conditions for being granted a special exception as set forth in that subtitle, the applicant must demonstrate that conditions relating to the building, terrain, or surrounding area would to make full compliance unduly restrictive, prohibitively costly, or unreasonable.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).